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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,159	02/19/2004	Rainer Immel	8540G-000188	5012
27572	7590	04/11/2006		
HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER DOERRLER, WILLIAM CHARLES	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/782,159	IMMEL, RAINER	
	Examiner	Art Unit	
	William C. Doerrler	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moiseev (5,226,299) in view of Raczkowski (4,805,804).

Moiseev discloses applicant's basic inventive concept, a cryogenic hydrogen storage tank (the industrial applicability paragraphs at the top of column 9 state that hydrogen may be stored and the tanks may be used for transport), with a cooling shield which uses the vaporizing cryogen to limit heat flow into the tank, substantially as claimed with the exception of using heat to cyclically fill any vapor space with liquid to control pressure in the tank to convey the liquid from the tank. Raczkowski shows this feature to be old in the liquid tank art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Raczkowski to modify the portable hydrogen tank with a heat shield of Moiseev by using heat flow into the tank to liquefy the contents of the tank and convey the liquid to a use point. In regard to claims 12 and 24, use of hydrogen in a fuel cell is seen as intended use which does not change the functioning of the fuel tank, and as such would have been obvious to an ordinary practitioner in the art.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varghese et al (4,988,014) in view of Raczkowski (4,805,804).

Varghese et al '014 disclose applicant's basic inventive concept, a cryogenic hydrogen storage tank (column 1 lines 13 and 14 state that hydrogen may be stored and the tank may be used for transport), with a cooling shield which uses the vaporizing cryogen (line 47 of column 3) to limit heat flow into the tank, substantially as claimed with the exception of using heat to cyclically fill any vapor space with liquid to control pressure in the tank to convey the liquid from the tank. Raczkowski shows this feature to be old in the liquid tank art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Raczkowski to modify the portable hydrogen tank with a heat shield of Varghese et al by using heat flow into the tank to liquefy the contents of the tank and convey the liquid to a use point. In regard to claims 12 and 24, use of hydrogen in a fuel cell is seen as intended use which does not change the functioning of the fuel tank, and as such would have been obvious to an ordinary practitioner in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murphy et al and Gershtein show cryogenic liquid delivery systems. Varghese et al '153, Hemmerich and Chandler et al show cryogen tanks which use the stored cryogen as a heat transfer fluid for the heat shield.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Doerrler whose telephone number is (571) 272-4807. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William C Doerrler
Primary Examiner
Art Unit 3744

WCD